

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

MARQUISE FIGURES,

Plaintiff,

v.

CIVIL ACTION NO. 3:19-0728

CHAD HALE and  
VANCE KEATON, Booking Officer,

Defendants.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Defendants' motions for dismissal (ECF Nos. 20, 24) be granted in part, and denied in part. The motions for dismissal should be granted as to Plaintiff's claims for monetary damages against the Defendants' in their official capacity and denied as to Plaintiff's remaining claims. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **ORDERS** that Defendants' motions for dismissal (ECF Nos. 20, 24) be **GRANTED** in part, and **DENIED** in part. The motions for dismissal should be **GRANTED** as to Plaintiff's claims for monetary damages against the Defendants' in their official capacity and **DENIED** as to Plaintiff's remaining claims, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: June 3, 2020

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE